

Message Text

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ACTION NEA-09

INFO OCT-01 ISO-00 SCS-03 SCA-01 L-02 H-01 INR-07 RSC-01

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R 031230Z JAN 75

FM AMEMBASSY NEW DELHI

TO SECSTATE WASHDC 6081

LIMITED OFFICIAL USE NEW DELHI 0137

THE FOL TELEGRAM SENT ACTION NEW DELHI FROM CALCUTTA

03 JAN 75 IS REPEATED TO YOU QUOTE

C O N F I D E N T I A L

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E.O. 11652 N/A

TAGS: CASC, PFOR, IN

SUBJ: HARCOS/FLETCHER

1. DEFENSE PETITIONED JANUARY 2, 1975 REQUESTING HIGH COURT TO SET ASIDE CHARGES ALREADY FRAMED AGAINST HARCOS AND FLETCHER BY SESSIONS COURT IN EARLY DECEMBER. DEFENSE ADVOCATE BHOSE ARGUED THAT EVIDENCE PRESENTED FOR THE FRAMING OF THE CHARGES WAS NOT SHOWN TO THE DEFENSE AND, THEREFORE, AN APPEALABLE DEFECT EXISTS (I.E., DEFENSE WAS NOT IN A POSITION TO ARGUE FOR DISMISSAL OF THE CHARGES UNDER SECTION 227 OF THE INDIAN CODE OF CRIMINAL PROCEDURE). IN ADDITION, AT THE INSISTENCE OF HARCOS JFP FLETCHER THEY WILL ALSO RAISE TTG POINT THAT THE KING GEORGE DOCK, WHERE HARCOS WAS ARRESTED, DOES NOT COME UNDER THE OFFICIAL SECRETS ACT AS IT IS NOT A MILITARY ESTABLISHMENT.

2. HIGH COURT AGREED TO HEAR ARGUMENTS ON OR ABOUT JANUARY 20 REGARDING THE AFOREMENTIONED MATTER IN CONJUNCTION WITH THE APPEAL BY THE PUBLIC PROSECUTOR TO DENY THE DEFENSE A

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CERTIFIED COPY ME THE CHARGES FILED AGAINST HARCOS AND

FLETCHER.

3. AT THE CONCLUSION OF MISS DONOVAN'S SECOND INTERVIEW WITH HARCOS AND FLETCHER ON JANUARY 2, SHE ADVISED CONSUL O'NEILL THAT IF THEY LOSE APPEALS NOW PENDING IN HIGH COURT ARE FOUND AGAINST THEM, HARCOS AND FLETCHER WILL CONSIDER RPT CONSIDER PLEADING GUILTY TO A NARCOTICS CHARGE MISS DONOVAN IS AWARE THAT THE GOI MIGHT NOT ACCEPT THIS LATTER PLEA.

4. MISS DONOVAN WILL DEPART CALCUTTA FOR NEW DELHI ON EVENING JANUARY 4 AND HAS INFORMED CONSULAR OFFICER HAT SHE INTENDS TO CONTACT KREISBERG, WHOSE NAME SHE SECURED WHILE IN WASHINGTON FROM FLAK.

ROSSELOT
UNQUOTE
MOYNIHAN

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